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which a substantial part of the events or omissions giving rise to the claim occurred . . . .” 28 U.S.C. § 1391(a)(2). According to the complaint, the incident happened in this district. See Compl. ¶¶ 4–8. Moreover, Darnell claims that the Wilmington Police Department investigated the incident and cited Eskew for driving while impaired, and that Eskew pled guilty to that offense in New Hanover County. Pl.’s Resp. Defs.’ Mot. Dismiss & Mem. in Supp. 2. Furthermore, Darnell received treatment for his injuries in this district. Id. Thus, a substantial part of the events giving rise to Darnell’s claims occurred in this district and venue is proper under 28 U.S.C. § 1391(a)(2). Accordingly, the motion to dismiss is denied.

As for the motion to transfer venue to the Southern District of Georgia, the court recognizes its discretion to transfer venue under 28 U.S.C. § 1404(a). See, e.g., Boyd v. Koch Foods, No. 5:10-CV-349-D, 2011 WL 2413844, at \*2–3 (E.D.N.C. June 10, 2011) (unpublished). Darnell has chosen to litigate in the Eastern District of North Carolina and the balance of other factors (such as convenience of parties and witnesses, and the interests of justice) do not warrant transferring this case to the Southern District of Georgia. See id. Thus, the motion to transfer is denied.

In sum, defendants’ motion to dismiss and motion to transfer [D.E. 7, 8] are DENIED.

SO ORDERED. This 1 day of December 2011.

  
JAMES C. DEVER III  
Chief United States District Judge